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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,992	02/20/2004	Giorgio Petratto	ST-10	4371

23593 7590 04/05/2005

ZITO TLP
26005 RIDGE ROAD
SUITE 203
DAMASCUS, MD 20872

EXAMINER

FERGUSON, MICHAEL P

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/783,992	PETRATTO, GIORGIO	
	Examiner	Art Unit	
	Michael P. Ferguson	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In the specification, paragraph [0007] recites "According to the present invention, there is provided a clamp as claimed in Claim 1". Paragraph [0007] should be deleted.

Appropriate correction is required.

Claim Objections

2. Claims 1, 4 and 6-8 are objected to because of the following informalities:

Claim 1 (line 5) recites "in twos". It should recite --in pairs of two--.

Claim 4 (line 1) recites "asymmetrical C-shaped, and each comprise". It should recite --asymmetrically C-shaped, and each comprises--.

Claim 6 (line 1) recites "identical in twos". It should recite --identical in each pair of two--.

Claim 7 (line 1) recites "the two identical plates". It should recite --the two identical plates of each pair--.

Claim 8 (line 10) recites "in twos". It should recite --in pairs of two--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3679

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

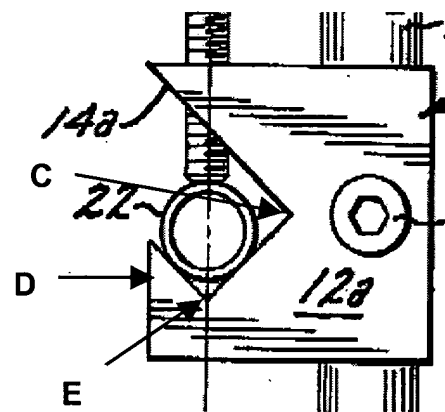
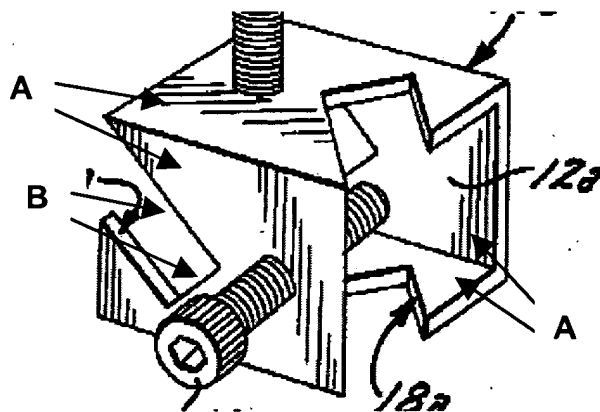
4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mandell (US 4,289,417).

As to claim 1, Mandell discloses a clamp **10a** for connecting bars, and comprising a body defining a pair of prismatic guides for respective bars; and

Means **28,30** for locking the bars inside the guides;

characterized in that the body is defined by four sheet metal plates **A** (Figures 11 and 12 reprinted with annotations below) arranged parallel and facing in pairs of two, and connected substantially along the edges of the body;

the guides each being defined by a pair of aligned seats formed along respective sides of two respective facing plates (Figures 11 and 12).



As to claim 2, Mandell discloses a clamp **10a** characterized in that the plates **A** are formed.

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on

Art Unit: 3679

its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 3, Mandell discloses a clamp **10a** characterized in that the plates **A** each have a first and a second opposite side extending along the edges of the body and shaped to fit respectively (adjoin) to complementary sides of the adjacent plates (Figure 11).

As to claim 4, Mandell discloses a clamp **10a** characterized in that the plates **A** are asymmetrically C-shaped, and each comprises two portions **B** of different lengths extending from opposite sides of the seat;

the seat being defined by a back edge **C** and by respective inner edges of the portions (Figure 12).

As to claim 5, Mandell discloses a clamp **10a** characterized in that the longer of the portions **B** terminates with (faces) a tooth **D** (on shorter portion **B**) facing inwards of the seat and having a side separated from the back edge **C** by a distance equal to the length of a first side of the respective bar, and an end surface separated from the inner edge **E** of the other (shorter) portion by a distance at least equal to the length of a second side of the bar (Figure 12).

As to claim 6, Mandell discloses a clamp **10a** characterized in that the plates **A** are identical in each pair of two (Figure 11).

As to claim 7, Mandell discloses a clamp **10a** characterized in that the two identical plates **A** of each pair are adjacent to each other, with the relative seats on opposite sides of the body (Figure 11).

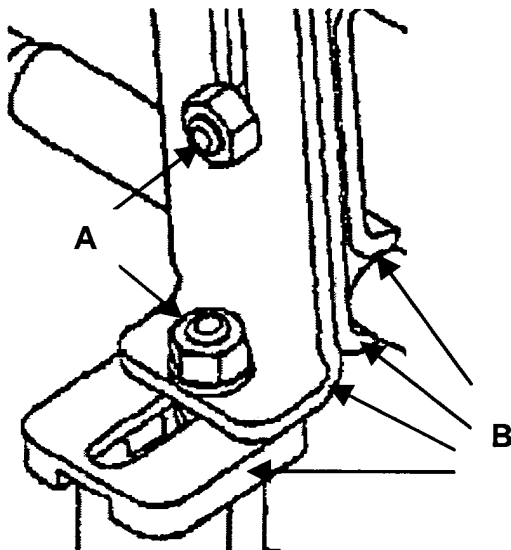
Art Unit: 3679

5. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Csiki et al. (US 2001/0054545).

As to claim 1, Csiki et al. disclose a clamp 7 for connecting bars, and comprising a body defining a pair of prismatic guides for respective bars; and

Means A (Figure 1 reprinted below) for locking the bars inside the guides; characterized in that the body is defined by four sheet metal plates B arranged parallel and facing in pairs of two, and connected substantially along the edges of the body;

the guides each being defined by a pair of aligned seats formed along respective sides of two respective facing plates (Figure 1).



As to claim 2, Csiki et al. disclose a clamp 7 characterized in that the plates B are formed.

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined

Art Unit: 3679

by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 3, Csiki et al. disclose a clamp **7** characterized in that the plates **B** each have a first and a second opposite side extending along the edges of the body and shaped to fit respectively to complementary sides of the adjacent plates (Figure 1).

As to claim 8, Csiki et al. disclose a (packaging) machine (capable of packaging graphics) comprising:

- a supporting structure **1**;

- a conveying surface (inherent; not shown) capable of successively conveying blanks; and

- a number of tools (inherent, support rail **1** and brackets **7** are assembled using tools; not shown) connectable to the supporting structure, over (the length of) the conveying surface, by means of a number of bars **2,3,5,6**;

- a number of clamps **7** for connecting the bars, each clamp comprising a body defining a pair of prismatic guides for respective bars; and

- means **A** for locking the bars inside the guides;

- characterized in that the body is defined by four sheet metal plates **B** arranged parallel and facing in pairs of two, and connected substantially along the edges of the body;

- the guides each being defined by a pair of aligned seats formed along respective sides of two respective facing plates (Figure 1).

Art Unit: 3679

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to clamps:

Gibbons et al. (US 6,536,982), Zaidan (US 3,861,816), Winby et al. (US 2,088,890) and Pacheco (US 3,011,235) are cited for pertaining to clamps comprising sheet metal plates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MPF

3/23/05



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